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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/597,146	06/20/2000	Daiki Kadomatsu	00862.021941	5114
5514 7590 08/05/2008 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112				
EXAMINER				
SHINGLES, KRISTIE D				
ART UNIT		PAPER NUMBER		
2141				
MAIL DATE		DELIVERY MODE		
08/05/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/597,146

Applicant(s)

KADOMATSU, DAIKI

Examiner

KRISTIE D. SHINGLES

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 32 and 34-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 32 and 34-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/88)
- Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Per Applicant's Request for Continued Examination

Claims 32, 34 and 36-40 have been amended.

Claims 1-31 and 33 have been cancelled.

Claims 32 and 34-40 are pending.

Continued Examination Under 37 CFR 1.114

I. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/15/2008 has been entered.

Response to Arguments

II. Applicant's arguments with respect to claims 32 and 36-40 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

III. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

IV. Claims 32 and 34-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carnahan (US 5,414,780) in view of Ohmori (US 6,160,640) in further view of Kawano et al (US 6,219,454).

- a. **Per claim 32**, *Carnahan* teaches a color facsimile apparatus comprising:
- reading means for reading an image (*col.5 lines 48-67, col.10 lines 58-67*);
 - generating means for generating image data representing the image (*col.6 lines 1-43, col.7 lines 14-47, col.10 lines 24-32*);
 - buffering means for storing the image data generated by said generating means in a buffer (*col.5 lines 46-67, col.7 line 67-col.8 line 4, col.8 lines 40-56, col.12 lines 36-61*);
 - compressing means for sequentially executing JPEG compression processing for each unit of the extracted image data including the unit of the extracted image data in which the transmission information is overwritten (*col.11 lines 1-20, col.11 line 58-col.12 line 14*);
 - storing means for storing compressed data by said compressed mean in a memory (*col.7 line 48-col.8 line 4, col.10 lines 24-32, col.12 lines 36-61*) and
 - transmitting means for transmitting a JPEG image data based on the compressed data stored in the memory (*col.11 line 58-col.12 line 14, col.12 lines 49-61, col.14 lines 22-30*).

Yet *Carnahan* fails to explicitly teach extracting means for sequentially extracting, extracting as a minimum coded unit for JPEG compression processing, image data from the buffer before the buffer is filled with image data generated by said generating means; and overwriting means for overwriting transmission information of image data for a page header or page footer in the unit of extracted image data extracted by said extracting means when the unit of the extracted image data is a unit of the extracted image data corresponding to a header portion or footer portion in the image; wherein the JPEG image data includes the compressed data of the transmission information. However, *Ohmori* teaches sequential line extraction of the

image data and pixels for compression from the line memory buffers, wherein image data is shifted from the current line memory, to the immediate preceding line memory and then to the second preceding line memory (*col.3 lines 21-31, col.3 line 43-col.4 line 47, col.7 line 60-col.8 line 35, col.11 lines 12-28*). Furthermore *Kawano et al* teaches overwriting means for overwriting transmission information of image data for a page header or page footer in the unit of extracted image data extracted by said extracting means when the unit of the extracted image data is a unit of the extracted image data corresponding to a header portion or footer portion in the image, and provisions for JPEG compression of the image data and header data (*Figure 12B, col.2 lines 3-45, col.4 lines 12-34, col.5 line 54-col.6 line 26, col.6 line 52-col.8 line 30, col.9 line 40-col.11 line 2, col.12 line 66-col.13 line 35*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of *Carnahan* with *Ohmori* and *Kawano et al* for the purpose of extracting the image data sequentially on a pixel/line basis in order to efficiently reproduce the image properly, while overwriting the header or footer transmission information in the extracted image data for in order to safeguard the integrity of the transmission information from tampering by including it as a part of the image body itself.

b. **Claims 36 - 40** contain limitations that are substantially similar to claim 32 and are therefore rejected under the same basis.

c. **Per claim 34**, *Carnahan* with *Ohmori* and *Kawano et al* teach the color facsimile apparatus according to claim 32, *Kawano et al* further teach further comprising determining means for determining whether the unit of the extracted data is the unit of the extracted image data corresponding to a header portion or footer portion in the image, and wherein said

overwriting means overwrites the transmission information in the unit of the extracted data according to a determination of said determining means (*col.4 lines 35-62, col.10 line 58-col.11 line 2, col.12 lines 32-46, col.16 lines 51-59; Ohmori—col.8 lines 28-44*).

d. **Per claim 35**, Carnahan with *Ohmori* and *Kawano et al* teach the color facsimile apparatus according to claim 32, *Kawano et al* further teach wherein the transmission information indicates at least one of a date, a time, and a number of pages (*col.3 line 59-col.4 line 34, col.10 line 58-col.11 line 2; Ohmori—col.7 line 60-col.8 line 20*).

Conclusion

V. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure: Vasylyev (6728412), Miller et al (6628411), Rhoads (6324573), Yoshida (5799138).

VI. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristie D. Shingles whose telephone number is 571-272-3888. The examiner can normally be reached on Monday 8:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kristie Shingles
Examiner
Art Unit 2141

/KDS/

/William C. Vaughn, Jr./
Supervisory Patent Examiner, Art Unit 2144